

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Customer Number: 53080
 : Confirmation Number: 9484
 Tetsuya HAYASHI, et al. :
 Application No.: 10/576,421 : Tech Center Art Unit: 1795
 Filed: April 19, 2006 : Examiner: Rademaker, Claire L
 :
 For: LITHIUM ION SECONDARY BATTERY AND PRODUCTION METHOD THEREOF

**NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated January 6, 2009 of the Primary Examiner finally rejecting claims 1-8.

Appeal Fee: \$540.00

- Not required (fee paid in prior appeal in this application).
- Charge to Deposit Account No. 500417.
- Check Enclosed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


for Michael E. Fogarty
 Registration No. 36,139

Reg No 53,308

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 Facsimile: 202.756.8087
Date: June 5, 2009

**Please recognize our Customer No. 53080
as our correspondence address.**